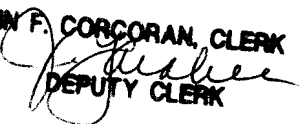


DEC 29 2009

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

SCHWARTZ & SCHWARTZ OF VIRGINIA,
LLC, AND
SCHWARTZ & SCHWARTZ, LLC,
Plaintiffs,

v.

CERTAIN UNDERWRITERS AT LLOYD'S, LONDON
WHO SUBSCRIBED TO POLICY NUMBER NC959,
Defendant.

CASE No. 6:07-cv-00042

FINAL ORDER

JUDGE NORMAN K. MOON

This matter is before the Court upon the Report & Recommendation of the United States Magistrate Judge (docket no. 103), and the subsequent objections and responses thereto.

For the reasons set forth in the accompanying Memorandum Opinion, it is ORDERED that: (1) The Report & Recommendation of the Magistrate Judge (docket no. 103) is hereby ADOPTED in its ENTIRETY; (2) Underwriters' Motion for Leave to Amend Counterclaim (docket no. 62) is hereby DENIED; (3) Underwriters' Motion for Summary Judgment (docket no. 70) is hereby GRANTED; and (4) Underwriters' Motion for Judgment on the Pleadings (docket no. 60) and Schwartz's Motion for Partial Summary Judgment as to Damages (docket no. 68) are hereby DENIED as moot.

By granting Underwriters' Motion for Summary Judgment, the Court has entered judgment in favor of Underwriters with respect to all counts in Schwartz's Complaint.

It is so ORDERED.

The Clerk of the Court is hereby directed to strike this action from the docket of the Court, and to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 29th day of December, 2009.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE